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SUBJECT: DOMESTIC VIOLENCE ISSUES GETTING ATTENTION IN  
GEORGIA

REF: 2006 TBILISI 01910

11. (U) Summary and Comment: On June 9, 2006, President Saakashvili signed Georgia's first legislation on domestic violence. Although the law institutionalized a system designed to shield victims from their abusers, other provisions in the Domestic Violence Law Action Plan have languished due to the lack of funding. Zurab Adeishvili, former Prosecutor General and current Chief of the President's Administration, recently asked ministry representatives to create an anti-domestic violence coordination council by June 27. GoG plans to amend the charter of the Anti-Trafficking Fund (A-TIP) to include domestic violence work as part of its mandate. The creation of the anti-domestic violence coordination council is a significant step for Georgia, which has a very traditional society where people keep such personal matters within the strict confines of the family. Progress will be slow, but U.S. assistance can go far to promote awareness and make services available for victims. GoG actions to address domestic violence victims should be lauded. Violence against women and lack of referral mechanisms is highlighted in many human rights reports, including Georgia's Public Defender's Annual report, the United Nations Human Rights Report, Amnesty International, and our own 2007 Human Rights Report. End Summary and Comment.

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Background on the Issue  
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12. (U) The law of Combating Domestic Violence, Protection of and Support to Its Victims, which came into effect in June 2006, defines domestic violence as a violation of the constitutional rights and liberties of one member of a family by another by means of physical, psychological, economic, or sexual violence or coercion; however, domestic violence is not specifically criminalized. Perpetrators of domestic violence are prosecuted under existing criminal provisions against, for example, battery or rape. The Office of the Prosecutor General and the Ministry of the Interior collect general law information statistics based on the characteristics of the crime as described by the articles of the Georgian Criminal Code. Since domestic violence as such is not included in the Criminal Code, it is hard for GoG to create, analyze and react upon precise statistics.

13. (U) The adoption of a special law was considered an important development by local NGOs and international organizations but the implementation of the law remains problematic. Georgia still a very traditional country, where people try to keep family matters, such as family conflicts and violence, internally. The exception would be those cases when domestic violence becomes so obvious that neighbors and extended family members get involved. In order to sustain family integrity, most of the victims avoid involving state

authorities in family matters and continue to live in this difficult situation.

14. (U) The responsibility of the implementation of the Domestic Violence Action Plan spans the authority of the following organizations and ministries: Prosecutor's Office (PGO), Ministry of Labor, Health and Social Affairs (MOH), Ministry of Justice (MOJ), Ministry of Internal Affairs (MOIA), Bureau of Statistics, and Parliamentary Legal Committee. Perhaps the most active of these organizations has been PGO, MOJ, and MOIA in implementing training for their cops, judges and lawyers who respond and assist victims on a daily basis. Less active has been the Ministry of Health, whose responsibility is, according to the plan, to provide some of the high dollar costs associated with medical and social services, to include shelters and training of social workers. The GoG plans to use the second floor of the TIP shelter to start a domestic violence shelter. Post and USAID implementers will work with the A-TIP coordinator to address the gaps which still remain in funding shelters, training social workers, heightening public awareness, and making statistics related to the issue more transparent. Appointing a domestic violence coordinator quiets criticism from the Public Defender and NGOs that they do not have a single point of contact to deal with on these issues. Devi Tabidze, Head of Social Department, MOH, told Poloff and NGO representatives at round table in December 2007, that the MOH had no budget for anti-domestic violence programs. It appears now that anti-domestic violence programs may benefit from new social spending by Saakashvili.

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Shelter Me

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15. (SBU) One of the most problematic issues for NGOs who provide victims shelters has been a lack of government funding. Although the Domestic Violence Action Plan for 2006-2008 envisaged that in the first half of 2006 the government would elaborate the conditions and standards for establishment of a shelter, to date existing shelters are funded exclusively through international donors. Currently there are at least three organizations who offer services: the Anti-Violence Network (AVN), Sakheli, and Saphari. AVN and Sakheli operate shelters in Tbilisi, each taking in 25-30 victims a year, to include children. (Comment: Sakheli is more oriented to IDPs.) The third shelter run by Saphari in Uraveli (in the Armenian minority region of Akhaltiskhe) sees fewer victims a year--less than ten women with children. In the regions, there are no established shelters, but many informal networks exist to provide shelter to one or two victims on an adhoc basis. All three NGOs are very competitive in seeking out grants and point out that they have the experience to provide such services in the absence of government expertise.

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Social Workers  
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16. (U) During a roundtable hosted by Embassy, NGOs and representatives discussed the important role of social workers that is missing in the referral process for victims. Social workers are critical to assisting victims in referring them to counseling, psychiatric care, and removing children from violent family situations. The lack of social workers is part of a larger problem of the dearth of trained medical staff and psychiatric assistance for victims. The Public Defender recommended in his annual report that the government dedicate resources to this issue and this was echoed in the 2007 Human Rights Report. Now, a domestic violence coordinator will be the focal point to coordinate this issue across affected ministries.

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Public Awareness  
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17. (SBU) According to an NGO funded by the American Bar Association (ABA) whose lawyers who provide victims of domestic violence free legal counsel, prior to the enactment of the 2006 law, victims were not aware of their rights. The Center for Protection of Constitutional Rights (CPCR), an NGO which runs a hotline in Tbilisi, Gori and Telavi, told Poloff that the nature of the calls to their hotline has changed since 2006. In 2007, CPCR received 100 calls (79 female, 21 male), 30 in Gori (28 female, 2 male), and 20 in Telavi (17 female, 3 male). Of the 100 calls in Tbilisi, 21 resulted in court cases. Past calls dealt with labor and family law issues, now more calls are about physical abuse and victims being denied economic assistance. In the later case, husbands refuse to let their spouses work or give them any monetary assistance. Now that victims benefit from free legal counsel, the perception from one lawyer was that spouses, especially husbands, were more afraid to beat their wives. They know now that their wives can call the police who can issue a restrictive orders at the scene which is valid for 24 hours. A district (city) court can issue a protective order for three months if a criminal case has been initiated on the grounds of domestic violence and can be extended further if there is danger to the victim, family member of the person providing the victim with medical, legal or psychological assistance. Public awareness has risen in cities, but remains low in the outlying regions. AVN spokesperson Sophiko Sharabidze who works in Ambrolauri (Raja) said, "Many do not report these incidents as they either think it is normal to be beaten by their husbands, or they don't report it for fear of bringing shame on the family." A critical piece in solving the problem is lack of awareness, and Embassy Tbilisi is focusing its assistance on the promotion of public awareness.

18. (U) The lack of public awareness can be, in part, tied to a dearth of comprehensive statistics on the subject. According to the government action plan, the Bureau of Statistics was to track incidents of domestic abuse and make this information publicly available. As of March 24, 2008, the Bureau of Statistics was waiting for this information to be passed by the Ministry of Internal Affairs (MOIA). Public and private hotline services exist, but none of this information is comprehensively gathered and analyzed. According to a study done by Georgian Young Lawyers

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Association (GYLA) in 2007, the following number of restrictive orders were issued by patrol police in Tbilisi, Imereti, and Shida Kartli regions for one quarter spanning 2006-2007: 236 (Tbilisi); 20 (Imereti); 26 (Shida Kartli) If this rate is applied for the year, the number of restrictive orders alone in Tbilisi would approximate 570. Traditionally, more instances are reported in Tbilisi as the populace is more educated and aware of the problem. A GYLA report on the subject compiled in 2006, lists psychological violence as the most often problem followed by physical violence; sexual violence was rare. The same report indicates from 20 to 50 percent of families suffer from domestic violence, with women the usual victim--either at the hands of the spouse or mother-in-law. (Note: these percentages were generated by reviewing cases of restrictive orders issued by the following agencies: Main Department of the Tbilisi Patrol Police; Tbilisi City Court; General Prosecutor's Office; Kutaisi City Court; Imereti Main Department of the Patrol Police; District Prosecutor's Office of West Georgia; Shida Kartli and Samtskhe-Javakheti region main departments of the Patrol Police; Gori regional court. End Comment.) Our assistance plans to tackle this by instituting a better tracking system for statistical data and encouraging more transparency in sharing that data.

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¶9. (U) USAID is working on an assistance plan to tackle the issues of public awareness and addressing the above gaps. USAID's very successful "No to TIP Program" is the model for our domestic violence plan. Domestic violence and human trafficking are very different crimes and social behaviors, but despite these differences, there is much commonality in the approaches that the government may use to fight against both phenomena regarding victim referral, assistance, rehabilitation, and social reintegration. Bearing in mind the progressing successes in the fight against human trafficking and the adoption of the law against domestic violence, USAID can provide valuable assistance. First, in developing and further strengthening mechanisms to prevent TIP and domestic violence and secondly by protecting victims of both crimes by ensuring availability and usage of appropriate and adequate mechanisms to punish offenders. Our specific plans include:

- Identification of a counterpart at the executive branch of GoG who will work DC issues and create a working group to discuss and coordinate issues

- Develop and adopt a state action plan against domestic violence which will include a separate line item in the budget to provide funding

- Development of referral mechanisms

- Drafting of legislation to bridge current gaps in the law

- Creation and approval of minimum standards for development of domestic violence victims' shelters and rehabilitation projects

- Raising public awareness

- Supporting GoG in the development of quarterly and annual reporting tools

¶10. (U) The Georgian Government sees its fight against domestic violence as a step by step action, which is not only oriented on immediate action from its officers, but is also oriented on explaining the content of the crime to people and helping to change a mindset and mentality. In order to be effective in implementing its long-standing anti- domestic violence policies, GoG will need sufficient USG assistance, which will be essential in achieving success gradually. Drafting legislation to bridge the gaps and tracking statistics related to the issue are achievable goals that can go far in heightening awareness of the issue.

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